

REMARKS/ARGUMENTS

This is in response to the final office action dated March 27, 2009.

In this response, the applicant has added a single dependent claim, which brings the total number of claims to 9 (including an original multiply dependent claim). Accordingly, no claim fees are applicable.

In the office action, the Examiner has objected to the drawings under 37 CFR 1.83(a), stating that the window regulator device comprising an electrically operated actuator for raising and lowering a window, which are included in the claims must be shown in the drawings. The applicant submits that these features are clearly shown in the drawings and referred to in the text, and so it is not clear what the objection relates to. The window regulator device is referred to in the text, for example, in paragraph [0023] and is shown by the reference numeral 5 in Figures 1, 2, 3 and 7. The electrically operated actuator is referred to in the text, for example, in paragraph [0029] and is shown by the reference numeral 22 in Figures 1, 2, 3 and 7. If this is not sufficient to address the Examiner's objection, then the applicant requests further clarification of the objection.

In the office action, the Examiner indicated that claims 7 and 8 did not comply with 37 CFR 1.75(c) for being dependent on multiply dependent claims. The applicant has amended claim 7 to depend only from claim 5, and has added a new claim 9 which repeats the language of claim 7 but which depends from claim 6. The applicant has amended claim 8 to include the structure of claim 1 only.

In the office action, the Examiner rejected claims 1-6 under 35 USC 112, first paragraph, stating that it is not clear from the description how the motor interconnects with the window to drive the window between open and closed positions.

The applicant respectfully traverses the Examiner's rejection. The applicant brings the Examiner's attention to Figure 7 and to paragraph [0029] of the specification, which states that the window regulator device comprises "an electrically operated actuator 22, in the case in point a motor reducer, of a known type, having an output shaft 23, angularly fixed to which is a roller 24 for winding a cable (not illustrated) for raising and lowering the window 7, according to what is described and illustrated in the international patent application WO 02/088502 A1 with particular reference to FIGS. 1 and 2 of said patent application." The applicant submits that such actuation mechanisms, including a motor reducer with an output shaft, and a drum or roller on the output shaft are well known in the art. Furthermore, the specification identifies Figures 1 and 2 of the said WO publication which show a typical window regulator mechanism of the prior art to further illustrate the type of actuation mechanism that can be provided as the actuator 22. As a result, the applicant submits that Figure 7, paragraph [0029], the knowledge of one skilled in the art, and the reference to the WO publication are sufficient disclosure of the relationship between the motor and the window regulator. The applicant submits therefore that the application is in compliance with 35 USC 112, first paragraph.

In the office action, the Examiner rejected claims 1-6 under 35 USC 112, second paragraph, for use of the term 'it' in claims 1 and 4 and for use of the term 'actuator itself' in claim 1, and the term 'motor itself' in claim 4.

The applicant has amended claims 1 and 4 to remove the offending terms and submits that claims 1 and 4 are in compliance with 35 USC 112, second paragraph.

In the Office action, the Examiner has rejected claims 1-4 under 35 USC 102(b) as being anticipated by US5,902,004 (Waltz et al). The Examiner stated that Waltz et al discloses a functional unit comprising, inter alia, a lock assembly (32, 33, 6) connected to a motor (36) which drives a window pane (100), and a coupling means (900, 61 and 39 in Figure 1) to selectively actuate the door lock assembly via the motor (36). The applicant presumes that the examiner intended to identify the motor at 38, instead of 36.

The applicant respectfully traverses the Examiner's rejection. Waltz et al discloses a drive unit 38 and a wiring harness 39, 900. In the paragraph starting on line 11 of column 4 of the patent text, Waltz et al describes the drive unit 38 and several components of the window regulator including cable 51 which is connected to the drive unit 38 in Figure 1. While it is not described explicitly what is driven by the drive unit 38, it appears that it drives the movement of the window. The applicant notes that it is nowhere described that the drive unit 38 has anything to do with the lock assembly. More specifically, the 'coupling means' (900, 61 and 39) referred to by the Examiner is actually made up to two unrelated elements. Reference numerals 900 and 39 are electrical conduits which pass to the drive unit 38 and the lock assembly to run electricity to those components as needed. Clearly, they are not means by which the drive unit 38 can drive the operation of the lock assembly. Reference numeral 61 is a linkage that passes through an opening 33 in the latch mount 30. The linkage 61 transfers the operating force of the interior handle 6 to the interior locking arrangement (ie. to the lock assembly). The patent text suggests that, optionally, the electrical supply cable 900 may also be passed through the same opening 33 30 to supply various electrical components in the vehicle door with electrical energy and signals. Clearly, the linkage has nothing to do with the drive unit 38, and nothing to do with the electrical cable 900, except that they happen to be positioned near one another.

The applicant submits therefore that Waltz et al clearly does not anticipate claim 1, which specifies: an actuating mechanism for controlling release of the closing mechanism (of the lock), an electrically operated actuator for raising and lowering a window, and a coupling means which can be selectively activated so as to couple the actuator with the actuating mechanism to enable opening of the door by the actuator.

The applicant further submits that Waltz et al. does not suggest or hint at the claimed structure of claim 1.

Appl. No. 10/561,333
Amdt. Dated June 9, 2009
Reply to Office action of March 27, 2009

The applicant submits that claims 2-9 are patentable at least by way of their inclusion of the structure of claim 1.

The applicant respectfully submits that the application is in condition for allowance and requests that a timely Notice of Allowance be issued.

Respectfully Submitted,



Dated: June 19, 2009

Alex Porat
Registration No. 43,372

Magna International Inc.
337 Magna Drive
Aurora, Ontario
L4G 7K1

(905)726-7045